

## ROOSEVELT JUSTIFIES HIMSELF IN CRITICISM OF THE COURTS

### Quotes From Abraham Lincoln and William Taft in Support of His Attitude—Former President Talks on the New Nationalism—Issues a Challenge

Syracuse, N. Y., Sept. 17.—Theodore Roosevelt returned to the defense of his "new nationalism" today, as was specifically indicated in the title of his address at the state fair here, "The New Nationalism and the Old Morality."

"The new nationalism," he reiterated, "means nothing but an application to new conditions of certain old and fundamental moralities. It means an invitation to meet the new problems of the present day in the old spirit in which Lincoln and the men of his day met their new problems."

To his critics he put this issue: "Is any party willing to take the other side of the proposition of which complaint is made? If so, it would be a good thing to have the issue before the people for in the end the people would most certainly decide in favor of the principles embodied in the new nationalism, because otherwise this country could not continue to be a true republic, a true democracy."

The speaker followed this with a justification of his attacks on the supreme court of the United States. He chose two arguments—one, that in his criticisms he had merely echoed the minority opinions of the court itself, the other, that he had illustrated precedents in the example of Abraham Lincoln, who, he said, had been far more outspoken than he himself had ever been, and the example of President Taft, from whose utterances fifteen years ago in favor of public criticism of the courts he quoted.

"Take for instance," he continued, "what I said in reference to late decisions of the supreme court. One decision was in the Knickerbocker case, in which, according to the dissenting opinion of Justice Harlan, the court placed the public so far as national power is concerned (the only power which could be effective) entirely at the mercy of the combinations which arbitrarily control the prices of articles purchased to be transported from one state into another state."

"Fifty-three years ago," he continued, "Abraham Lincoln was assailed for his repeated criticisms of the supreme court in the Dred Scott case. As regards this decision, he announced, not once, but again and again, that he held it to be not merely the right, but the duty of citizens who felt that judicial decisions were erroneous and damaging to the public, to try to have them reversed; his language on an occasion being as follows: 'We do not propose to disturb the rights of property thus settled, but propose so resisting the decision as to have the question reopened. If we can, and a new judicial rule established upon the subject.'"

"He repeated this statement in slightly different language in speech after speech. Moreover, he used very strong language about the decision—far stronger than I dream of using or that it would be proper to use about the decisions with which I now deal. But his view as to his right and duty to call attention to an erroneous decision which vitally affected the rights of the people, was, I think, entirely sound. At any rate if I have erred, in commenting as I have commented upon the decisions in question, I err in company with Abraham Lincoln. The criticism of me is perhaps well summed up in the following speech of an eminent public man:

"He makes war on the decisions of the supreme court. I wish to say to you fellow citizens that I have no war to make on that decision or any other ever rendered by the supreme court. I am content to take that decision as it stands delivered by the highest judicial tribunal on earth, tribunal established by the constitution of the United States for that purpose and hence that decision becomes the law of the land, binding on you, on me and on every other citizen, whether we like it or not. Hence I do not seek to enter into an argument to

prove before this audience that it cannot be possible that the chief justice understood the law better than Theodore Roosevelt."

"Now, gentlemen, I have made one change in the above quotation. The last words were not Theodore Roosevelt's, the last words were Abraham Lincoln's, and this attack made nearly 53 years ago, against Abe Lincoln, is precisely and exactly the kind of attack made upon me at this moment. Abe Lincoln felt, and professed throughout his life, the same profound respect for the supreme court of that of course I feel, and that I have again and again in public speeches and messages as President of the United States expressed. An upright judge is a higher and better public servant than any other man can possibly be and it is a cause of pride to every American citizen that our supreme court is the most influential judicial tribunal in the entire world. I have quoted Abe Lincoln, let me quote him again."

"We believe in obedience to, and respect for, the judicial department of government. We think its decisions on constitutional questions, when fully settled, shall control."

"I agree absolutely with the sentence of Abe Lincoln, not the less because I also believe in what Lincoln said immediately afterward:

"But we think this decision erroneous and we shall do what we can to have it overruled."

"Nor do I have to go only to the statement of the past for precedents. The president of the United States, Mr. Taft has served his country honorably and uprightly in many positions—as judge, as governor of the Philippines, as secretary of war, and now as President—for to him and to Congress acting with him, we owe the creation of a tariff commission, the adoption of maximum tariff law treaties with foreign powers, the proper treatment of the Philippines under the tariff, the increase in the efficiency of the interstate commerce law, the beginning of a national legislative program, providing for the exercise of the taxing power in connection with corporations doing an interstate business, a postal savings bank bill, the constitution of a commission to report a remedy for overcapitalization in connection with the issue of stocks and bonds, but few of his services are more deserving of record than what he said in this matter of criticism of the judiciary."

Speaking as a United States circuit judge fifteen years ago, he said:

"The opportunity freely and publicly to criticize judicial action is of vast importance to the body politic than the immunity of courts and judges from unjust aspersions and attacks. Nothing tends more to render judges careful in their decisions and anxious to do exact justice than the consciousness that every act of theirs is to be submitted to the intelligent scrutiny and candid criticism of their fellow men. In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance because it is the only practicable and available instrument in the hands of a free people to keep such judges alive to the reasonable demands of those they serve."

Dropping the personal pronoun, the colonel took up an exposition of what "we who work for the new nationalism" believe. He reiterated his belief in government by party, his recognition of the necessity of corporations in business accompanied by the elevation of the workingman by unions, but all these agencies, he was convinced, must be under control of the whole people. The one vital and essential matter in all public life was honesty. All good citizens must join in warning on the crook, whether giver or taker of bribes, as a traitor to democracy."

The address closed with the only words that could be construed as having any bearing on the immediate political situation within the Republican party in this state—a dissertation on popular self-control and party leadership, a distinction between the boss and the leader.

"It is necessary and desirable," said the colonel, "that there should be leaders, but it is unnecessary and undesirable that there should be bosses. The leader leads the people; the boss drives the people. The leader gets hold by open appeal to the reason and conscience of his followers, the boss keeps his hold by manipulation, by intrigue, by secret and furtive appeal to many forms of self-interest and sometimes to very base forms."

"Progress there must be, but it

must be wise, sober and moderate if it is to be permanent. Prosperity must be preserved, for material well-being was a great factor, but it was only a foundation for a lofty national life, raised in accordance with the doctrine that righteousness exalteth a nation."

### BARGES FOR MISSISSIPPI

St. Louis, Sept. 17.—Final plans for the first new steel barges which will be the largest ever built for Mississippi river traffic were let yesterday. The barges will be delivered on February 19, 1911, at the yard of the American Bridge company, Pittsburgh. The barge is being built on an entirely novel plan so far as the river is concerned. It is 300 feet long and 60 feet wide. It will weigh a little more than 800 tons and will have a draft of twenty inches. It will carry any load the stage of the river permits and is expected always to be able to run between St. Louis and New Orleans, no matter what the stage of the water.

## VIOLATIONS OF SPEED LAW

Special Officer William Reast was very much on the alert yesterday and as a result of his Argus-eyed vigilance five violators of the city's vehicle ordinance must make answer to the municipal court at the next regular session.

H. W. Peery, according to the officer, was speeding his motor car as he passed the corner of Washington avenue and Twenty-seventh street about 6 o'clock last night, and when arrested gave security for his appearance in court.

Attorney T. R. O'Connell must also face the accusing officer in court on a charge of having scorched past the corner of Washington avenue and Twenty-seventh street yesterday evening. The attorney denies the charge against him and asserts that he did not have his machine out of the garage at the time specified by Officer Reast.

A warrant was issued this morning for the arrest of Frank Pierce, chauffeur for D. Smyth, who is charged with driving the Smyth car at an unlawful rate of speed while crossing the viaduct.

A Upton, living at the corner of Twenty-eighth street and Adams avenue, was arrested yesterday afternoon for riding on the sidewalk of Twenty-eighth street. Mr. Upton deposited a bond of \$5 for his appearance at trial.

William Grooms, aged 15 years, and C. Anderson, aged 13 years, were arrested for riding their wheels on Washington avenue yesterday afternoon and will probably have a hearing in the juvenile court. Both boys were released under bond and Judge V. C. Gunnell will be notified of their misconduct.

Officer Reast stated this morning that he expects to arrest every bicyclist he sees riding on the sidewalks. "It makes no difference whether the rider is muddy or not," said the officer, "my orders are to arrest violators of the sidewalk ordinance and that is what I am going to do. Every man who rides on the sidewalk knows that he is breaking the law and that he is taking a chance when he does so. If he is caught, it's his own fault and he will have to take his medicine. It is the same with automobile owners. They all know what the law says regarding speeding, and when they violate it, it is at their own peril. They know that they are endangering not only their own safety, but the lives of other persons and they cannot expect that I will shut my eyes when they pass."

Officer Reast states that some persons have accused him of getting a commission out of the fines collected by the city from persons arrested by him. The officer announces to such critics that it is only necessary for them to do a little investigating to learn that he is employed on a stipulated salary and receives no commission or fees from his arrests.

"The job is none too pleasant as it is," said the officer, "and I certainly would not retain it except on a regular salary."

### CUSTOMS COLLECTIONS FROM RETURNING AMERICANS

New York, Sept. 17.—The month of September bids fair to rank as record period for customs collections from home-returning Americans at the port of New York. According to present indications, the amounts thus collected are likely to reach a higher figure than the entire year's total collected from incoming ocean passengers in 1909.

In 1908 there was collected in du-

ties and penalties on personal baggage in this port only \$460,000. The first fifteen days of the present month yielded a total of \$199,000.

From the Mauritania this week the customs men collected from 928 passengers \$22,000; from the Adriatic, with 935 travelers, \$32,000; from the Kronprinzessin Cecilie \$25,000 and from the Lusitania on September 2, \$15,183.36.

The collections for each month so far this year have been: January, \$12,000; February, \$20,000; March, \$45,000; April, \$44,000; May, \$101,000; June, \$131,000; July, \$134,000, and August, \$171,000.

If this average is maintained the total collections for 1910 will amount to nearly \$1,250,000, which will beat the banner year of 1909, in which the figure set was \$1,040,000.

### CHIEF JUSTICE'S ESTATE

Chicago, Sept. 17.—The wills of the late Melville W. Fuller, chief justice of the United States supreme court, and his wife, Mary E. Fuller, who died in 1904, were admitted to probate yesterday. The late chief justice died possessed of an estate valued at \$550,000, while the estate of his wife is played at \$115,000.

## WORLD'S MARKETS

### MARKET OPENED STRONG BUT CLOSED DULL

New York, Sept. 17.—Opening dealings in stocks today were steady and prices showed an advancing tendency. New York Central rose 1 1/4 and Union Pacific and Baltimore & Ohio substantial fractions.

Selling orders came into the market after Union Pacific crossed 165 and the active stocks turned downward. Union Pacific lost all of its gain and Anaconda and Copper and American Smelting receded to below yesterday's close.

Subsequently the market stiffened. The market closed heavy and dull. A moderate show of strength in the Interborough Metropolitan stocks, the preferred advancing 2 1/4 and the common 1 1/2. Reading, Southern Pacific, Atchafalpa, Utah Copper, American Beet Sugar and Bethlehem Steel rose 1/2, the preferred 1/2.

The advances were partly lost afterwards.

### New York Money

New York, Sept. 17.—Call money nominal. Time loans dull; 60 days, 3 1/2@4 per cent; 90 days, 4 1/4@4 1/2 per cent; six months, 4 1/2@4 3/4. Metal market nominal. Tin, \$35.00@35.22 1/2; lake copper, \$12.50@12.75; electrolytic, \$12.37 1/2@12.50 1/2; castings, \$12.12 1/2@12.37 1/2. Lead, \$4.37 1/2@4.42 1/2. Spelter, \$5.50@5.60.

### Chicago Live Stock

Chicago, Sept. 17.—Cattle—Receipts estimated at 1,000; market slow; beefs, \$4.80@5.30; Texas steers, \$2.70@3.40; Western steers, \$4.25@4.75; stockers and feeders, \$2.50@3.10; cows and heifers, \$2.25@2.60; calves, \$6.75@9.70. Hogs—Receipts estimated at 5,000; market 5c up; light, \$9.35@9.55; mixed, \$9.55@9.75; heavy, \$9.35@9.55; rough, \$9.35@9.60; good to choice heavy, \$9.20@9.55; pigs, \$9.50@9.60; bulk of sales, \$8.70@9.15. Sheep—Receipts estimated at 1,000; market steady; native, \$2.70@4.00; western, \$2.25@4.60; yearlings, \$3.25@5.70; lambs, native, \$5.25@7.75; western, \$5@7.25.

### Bank Statement

The following is the New York Clearing House summary of the weekly statement of banks for the week ending September 17:

Loans, \$1,287,732,000, increase \$17,631,000; deposits, \$1,284,208,000, increase, \$11,450,000; circulation, \$464,480,000, increase, \$1,604,000; specie, \$273,301,000, decrease, \$5,029,000; legal tenders, \$69,121,000, increase, \$1,191,000; reserve, \$342,421,000, decrease, \$3,837,000; reserve required, \$321,000, increase, \$2,802,000; surplus, \$21,270,000, decrease, \$7,659,000; U. S. deposits, \$21,823,000, decrease, \$6,656,000.

### Chicago Close

Chicago, Sept. 17.—Close: Wheat—September 1910, \$1.00 1/4; December, \$1.00 1/4; May, \$1.00 1/4. Corn—September, 54 7/8; December, 53 3/8; May, 56 1/2. Oats—September, 34 1/2; December, 34 3/4; May, 38 3/4. Pork—September, \$20.07 1/2; October, \$19.77 1/2. Lard—October, \$12.20; November, \$11.55; December, \$11.55; January, \$9.72 1/2.

### Omaha

Omaha, Sept. 17.—Cattle—Receipts 1,000; market unchanged; hogs, \$5.00 steady; 5c up; mixed, \$8.90@9.10; light, \$9.20@9.50; pigs, \$8.25@9.25; bulk, \$8.80@9.05. Sheep—Receipts, 100; market steady; yearlings, \$4.60@5.50; wethers, \$2.90@4.90; ewes, \$3.50@4.10; lambs, \$6.40@6.90.

### Sugar and Coffee

New York, Sept. 17.—Raw sugar steady; Muscovado, \$3.34; centrifugal, 96 test, \$4.35; molasses, 89 test, 3.51; refined sugar steady. Coffee firm; spot Rio No. 10, 10 7/8; No. 4 Santos, 7 5/8.

### Chicago Produce

Chicago, Sept. 17.—Butter easy; creameries, 24 1/2@25; dairies, 23 1/2@27. Eggs firm; firsts, 22; prime firsts, 24. Cheese steady, unchanged.

## GRUESOME DISCOVERY

### Bodies of Two Men Are Found on Pilot of an Engine

Philadelphia, Sept. 17.—Tightly wedged in the pilot of an express train on the Baltimore & Ohio railroad, the bodies of two men, badly mangled and supposed to be those of Winfield D. Cullin and Jesse Cullin of Belcamp, Md., were found early today when the train arrived in this city.

In addition to the bodies, parts of which were missing, a piece of horse blanket and a portion of what is believed to have been a carriage wheel, were also found on the locomotive.

In the pockets of the clothing were found letters containing the names and addresses above given.

These are the only clues to the identity of the men the railroad people have. The fact that the men were killed by the train was not discovered until the train neared this city.

## POPULATION OF CHICAGO

### City Ranks With Great Cities of the World

Washington, Sept. 17.—The census returns of Chicago will be given out at 9 o'clock tonight. The actual figures are a secret in the census office, but it is well understood that when known they will record a large increase.

The increase, however, will not be so great proportionately as it was in the decade of 1890-1900. Then it was 54.4 per cent. Now it is expected that it will be a little less than 40 per cent and a total of almost 2,000,000 people is expected.

If the rate of increase shown by New York for the last ten years is attained, the figures will be 2,387,105. Whatever the exact relations may be, Chicago's population as the second city in the country is assured, as, in any event, the figures for that placed will be more than 700,000 in excess of Philadelphia. This assurance gives Chicago a place in the world's largest cities alongside of Paris and Berlin.

## OPENING GAME OF CHAMPIONSHIP

Chicago, Sept. 17.—According to Garry Hermann, president of the National commission, the meeting to decide the details of the world's series between Chicago Nationals and the Philadelphia Americans will not be held for two weeks and in the meantime the fans will have to wait for definite information regarding the exact dates and the order in which the games will be played. It is said, however, that the opening day will be Sunday, October 16, and the west side grounds here the battlefield for the series opener.

"I don't care when the world's series commences or where the games are played," declared Charles W. Murphy yesterday. "Naturally we have to look after the players' interests in this matter, for they are partners in the receipts. As far as I am concerned, however, they can play the series on any corner lot, or anywhere for that matter."

### AMERICAN EXPORTERS ARE TO BE EDUCATED

St. Louis, Sept. 17.—To equal American merchants with an expert, accurate, technical knowledge, which will enable them properly to market their products in foreign countries, is the purpose of the European trade school which the Latin-American and Foreign Trade association is starting in St. Louis. The school will be similar to those of England, Germany and other countries. Special attention will be given to the American republics.

### EGYPT'S COTTON CROP

Washington, Sept. 17.—Egypt's cotton crop this year, it is estimated, will exceed 700,000,000 pounds, and Consul Birch, at Alexandria, reports that probably it will be the largest crop ever yielded by Egyptian fields. He declares that weather conditions both in upper and lower Egypt have been favorable for the crop.

### WILL DECIDE ON NEW FOOTBALL RULES

Chicago, Sept. 17.—Football will undergo one more clinic when the

coaches and officials of the "big eight" and of the Missouri Valley conference meet here today to clarify the 1910 rules.

At least fifty gridiron experts will be present to give their interpretation of disputed points and a warm session is in prospect.

The meeting will be the first of its kind held in the west since 1905 when Walter Camp visited the city and explained his view of the forward pass. The gridiron authorities will have the benefit of first-hand explanation of the rules as four members of the National committee are slated to attend. Coach A. A. Stage of the University of Chicago, Coach Harry Williams of Minnesota, Dr. W. L. Dudley of Vanderbilt and Professor William Savage of Oberlin have been invited to speak, and all are expected to respond.

## CHINA IS TO BUILD NAVY

### Contracts for the Ships Are to Be Given to Americans

San Francisco, Sept. 17.—The call this morning states that Charles M. Schwab, former president of the United States Steel corporation, is to meet Prince Tsai Huan, uncle of the emperor of China, in this city next week to "close a deal" for the building of a fleet of war vessels for China. Schwab is expected to arrive here tomorrow in company with H. S. Schneider, vice president of the Bethlehem Steel company. The Chinese prince will arrive in port Monday night or early Tuesday.

In support of its assertion that American shipyards are likely to be given the work of building the warships, the call quotes John A. McGregor, president of the Union Iron Works of San Francisco, as saying:

"When the Chinese government first determined upon building a navy, the Bethlehem Steel company, through Schwab, drew up plans and specifications for the vessels. These, I understand, have been favorably considered. My information is to the effect that the Chinese want ten or a dozen ships."

## PRESIDENT IN EARNEST

### He Has Restored Insurance to Fellowship With Regulars

Washington, Sept. 17.—Indications multiply that the letter written by Charles D. Norton, secretary to the president, to an unnamed Iowa politician, is an expression of the policy of President Taft to be followed by the various departments of the government in their attitude in matters of patronage towards all Republicans, whether they be insurgent or regular. Copies of the letter have been sent from Beverly to the executive heads of all departments in Washington. The copies were not accompanied by a letter of transmittal directing the department heads to heed the suggestions contained in the letter, but merely by a note that the letter had been written by authority of the president.

The letter itself is a direct statement that, so far as federal patronage is concerned, the "regular" Republican and the "insurgent" will look alike to President Taft, and is accepted as significant of the attitude of the president and of his intention to place all Republicans, whether they be classed as "regulars or insurgents," on the same plane, so far as patronage is concerned.

The receipt of the letter created considerable comment among department officials today, but no difference of opinion regarding it is expressed.

POPULATION OF EASTERN CITIES	
Washington, Sept. 17.—The census bureau today issued statistics giving the population of the following cities:	
Holyoke, Mass., 57,730 people, an increase of 12,018, or 26.3 per cent, as compared with 45,712 in 1900.	
Lowell, Mass., has 106,294, an increase of 11,325, or 11.9 per cent, as compared with 94,969 in 1900.	
Pittsfield, Mass., has 32,121 people, an increase of 10,355, or 47.6 per cent, as compared with 21,766 in 1900.	

## REGULARS DEFENDED

### Secretary Wilson Says the Present Tariff Is Great

Kenton, O., Sept. 17.—Secretary of Agriculture Wilson, in a speech here today in defense of Republican policies, declared that past experience justified apprehension as to what would be done if the Democratic party should obtain control of the government. A further reduction of the tariff would be done if the Democratic party should obtain control of the government.

"We have got times now," Secretary Wilson said, "and have had such since McKinley became the advance agent of prosperity. The revision of the tariff has lost no man his job—no panic has followed. The new schedule average lower than the Dingley law. A further reduction of tariffs generally would hit the working people first. Europe has lower wages than the United States and would promptly take advantage of lower duties. The farmer would lose his customers and prices for both factory and farm goods would come down."

President Taft, the secretary continued, had insisted upon keeping in good faith the Republican platform promises and congress had met the platform requirements.

"No tariff bill pleases everybody. It is universally conceded that all the facts necessary for intelligent legislation were not at the disposal of the two houses of congress when they were acting upon the tariff. Steps have been taken to remedy this in the future."

"A very important feature of railway legislation is still under consideration. This is with regard to the issue of stocks and bonds by interstate railways."

"We got a postal savings bank bill enacted. It will promote economy among people who are just beginning to lay by a little money for a rainy day."

"Food is cheap no longer. Population has increased faster than production from the soil. The government's policy of giving farms to the people has exhausted the supply in the regions where rainfall usually assures good crops. High prices of fresh meats and of their products cause much concern. Much more productive of costliness to the retail distribution of meat is the overdoing of the retail business. The multiplication of small shops is a burden to consumers and no source of riches to the small shopkeepers."

The secretary declared that high prices will encourage better production and cultivation, and that these will enable the farmer to meet the demands of increasing population.

## STRANGE MIX UP IN A FAMILY

San Jose, Cal., Sept. 17.—Receiving word from his father-in-law in the east that his wife and child were dead and he was being implored to send money for funeral expenses, Richard C. Waits, 22 years ago, gave up hope of ever seeing them again and married in 1901 at Sacramento. He now has a family of eight children. These facts came to light in a suit heard here yesterday in which Mrs. Mary Reece A. Waits, alleging she is the first wife, claims maintenance. Waits is town marshal and a substantial citizen of Mountain View.

## DELEGATION FROM GEM STATE

The following additional delegates have been appointed to the convention of the Intermountain Good Roads association at Ogden, September 23, 24, 25, 1910, making a total of over 100 delegates:

Appointed by Hon. James H. Brady, governor of Idaho, to represent that state: G. G. Wright, Idaho Falls; P. G. Johnston, Blackfoot; Thomas Clark, Oakley; William L. Eliot, St. Anthony; Charles R. Evans, Malad; J. Frank Hunt, Swan Lake; D. W. Church, Pocatello; G. M. Davis, Malad; Adam G. Smith, Marlon; W. D. Huffaker, Idaho Falls; H. Austin, Iona; H. T. French, Caldwell; J. J. Jones, Malad; R. T. Owens, Malad; Chris Olsen, Preston; Ben Bean, Pocatello; Ezra Dodge, Fair, H. C. Haight, Oakley.

Fossil, Oregon: W. P. Thomas, W. W. Steiner, H. Gaffney, George T. Angell, E. F. Horn.

Kaysville, Utah: Ben Barrett, C. Benton, Jr., H. B. Blood, Geo. Swan, H. C. Burton.

Scottsbluff, Utah: S. J. Harkness, Ashton Madison, Frank Broyles, Robert Merriker, Andrew Gilbert.

# Republican Primaries Will Be Held Next Saturday Evening